

Incentives for Commercial Agriculture: Parcel Reconfiguration – Alternative Options

Prepared by Samya Lutz, Whatcom County; and Lisa Grueter, BERK
In consultation with members of the Whatcom County Agricultural Advisory Committee

Introduction: Opportunities and Challenges

Whatcom County recently adopted a strategic plan to help meet its goal to maintain at least 100,000 acres of agricultural land. The County has designated about 84,000 acres as Agricultural Resource Lands, and identified an additional 22,000 acres of rural lands as agriculturally significant and deserving of heightened protection. Nearly all of these rural lands are affected by an Agricultural Protection Overlay (APO).

On all these agricultural lands, approximately 4,000 dwelling units could be added, which could impact farming by creating conflict with additional residents moving into proximity of commercial farms. On the other hand, added homes could allow agricultural landowners to sell unproductive land to support their farms, provide for their heirs, or support their retirement. Given the potential for residential development on agricultural lands, the challenge is how to better guide development to locations that have less potential impacts to farmers, their neighbors, and the overall viability of agricultural economy. Parcel reconfiguration is one tool to address this challenge, and would create an opportunity to modify how land is divided to meet County and landowner objectives.

What is parcel reconfiguration?

Currently, the option of moving densities from more productive farmland to less productive farmland is allowed only in limited circumstances in the Whatcom County Code. As identified in the Whatcom County Agricultural Strategic Plan (2011), parcel reconfiguration would allow rearrangements of parcels (within and across ownership) to place the existing development potential in areas that are the least valuable as farmland, in a manner that benefits the County and the landowner and is consistent with other state and local priorities. The parcel reconfiguration tool is being considered now to achieve the following objectives:

- Increase the long-term viability of agriculture while recognizing underlying economic realities; and
- Provide more flexibility/incentives for an agricultural property owner to put homes in a place with the least impact to agricultural operations; and
- Reduce potential conflicts with neighbors; and
- Honor and protect property rights and values to help farmers stay in business.

How would parcel reconfiguration change the land division process?

Currently the minimum lot size for a newly divided lot is 40 acres in the Agriculture zoning district; however a farmstead parcel recognizing an existing home may be created of between 1 and 3 acres. If a parcel has the ability to be further subdivided because it has sufficient area (e.g. more than 80 acres), there are presently no siting criteria regarding the best placement of the new home. Also, a lot cannot be divided into parcels less than 40 acres unless a home is built or exists, which creates a multilayered land use permit process and a lack of certainty on future home siting.

What are the advantages of parcel reconfiguration?

Parcel reconfiguration would give more flexibility to agricultural property owners to pre-plan future dwellings with greater consideration for the location of existing dwellings and neighboring properties, and with a more straightforward permit process. Allowing for parcel reconfiguration could result in dwellings being co-located where there is already access to roads and infrastructure, reducing development costs. The remainder agricultural land would be protected for agricultural use, and could be part of a larger “consolidated” farming area (e.g. if units are clustered at corners, the remainder lot could be contiguous to other remainder lots).

What are the disadvantages of parcel reconfiguration?

Pre-planning residential lots could be difficult for the property owner if there are no current plans to develop the dwelling, and yet decisions will need to be made to identify future building pads, septic systems, etc. Siting criteria could focus on avoiding prime soils, which may direct dwellings near other areas protected by state and federal laws, e.g. critical areas such as flood hazards, wetland and streams and their buffers. Future residents in the smaller lots may not realize the ramifications of being in a busy agricultural area. The parcel reconfiguration tool will be designed to reduce the potential disadvantages, and will benefit from stakeholder and public input to ensure the tool is flexible and functional.

Are there other local governments that allow parcel reconfiguration or related tools?

There are local governments that have some elements of parcel reconfiguration – some have clustering allowances, some allow for nonconforming lots to be reconfigured, some have siting criteria, and a few allow density transfers.

Some examples of jurisdictions that allow for clustering on resource lands include Clallam County, Jefferson County, Pierce County, and Walla Walla County, among others. Those with clustering allowances also specify parcel siting criteria. As well, Skagit County addresses agricultural structure siting criteria. Clark County allows parcel reconfiguration for existing lots that are less than the minimum lot size provided the resulting layout improves resource land protection. The reconfiguration is approved through an administrative process.

What changes to local regulations are being considered?

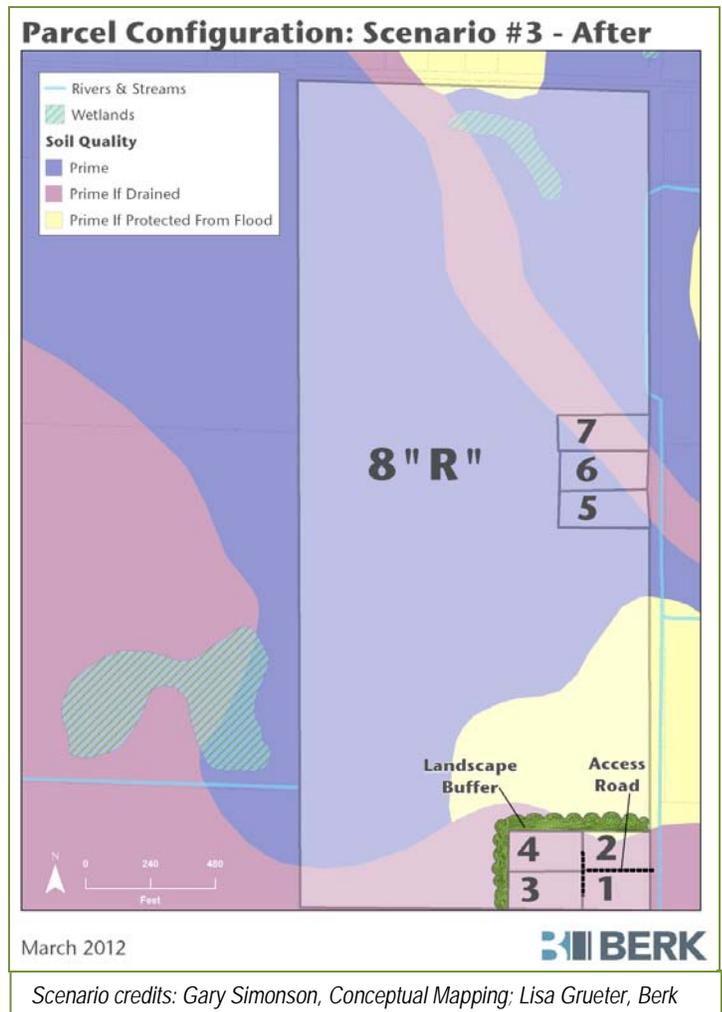
Draft options for changes to the Whatcom County Code are summarized in the table below. These have been developed by Berk based on the work of a Project Review Team (PRT) consisting of County staff, Agricultural Advisory Committee representatives, and a Whatcom Farm Friends representative; as well as input from two outreach events: a focus group of practitioners, and a general public workshop. Input from these and an additional code development technical workshop will be brought to the Planning Commission for their review and recommendations before bringing any changes forward to the County Council.

How can I give Input? How can I get more information?

Whatcom County will be soliciting input about parcel reconfiguration through a public outreach process from March to September 2012 that will include public meetings with the Agricultural Advisory Committee, Planning Commission and County Council. In addition background information is available at the County website:

http://www.co.whatcom.wa.us/pds/planning/agricultural_program.jsp.

For questions or more information, please feel free to contact Samya Lutz, Planner 360-676-6907, slklutz@co.whatcom.wa.us.



Matrix of Recommended Code Changes

Tool Description	County Code Section Targeted for Change	Need that is Met; Concerns & Context
Proposed Phase I Options		
Farmstead		
<p>1. Farmstead Parcel AG (40) zone – strengthen 1 to 3 acres lot size language.</p> <p>– Allow lot to be created <i>in advance of</i> home being developed.</p>	<p>AG Zone, WCC 20.40.250-.253 Minimum lot size and land subdivision.</p> <p>WCC 20.97.132-.133 Farmstead parcel and Farmstead home site definitions.</p>	<p>Supports farmer to be more successful with financing. Further supports planning for succession and heirs. Reduces disturbance of prime soils.</p> <p>Would this tool increase the chance of conversion? Would this shift highest and best use equation?</p> <p>Suggestions: Add conservation easement. Require siting criteria to minimize soil loss.</p>
Cluster Related Tools		
<p>2. Parcel Reconfiguration – Add as a tool in AG (40) zone.</p>	<p>New section in WCC 20.40, under 20.40.252(4)</p>	<p>Currently there are two options for lots in the AG zone – standard 40 acres or farmstead. This would provide an option to recognize legal lots of record and to ensure that they are organized in a way that achieves less impact to agricultural lands. Further supports planning for succession and heirs. Reduces disturbance of prime soils.</p> <p>Does this increase effective density if access is now possible (e.g. moving lots from center to frontage)?</p> <p>Suggestions: Add conservation easement, siting criteria.</p>
Performance Standards		
<p>3. Require siting criteria for <u>non-agricultural structures</u> and uses on an individual lot, e.g. in association with farmstead parcel.</p> <p>Require siting criteria for farmstead, lot configuration.</p> <p>Agricultural use covenant for reserve tract.</p>	<p>WCC 20.40.350 Building setbacks and WCC 20.80.210 & .255 (Setback Requirements).</p> <p>Add Siting Criteria to current Development criteria placeholder 20.40.650.</p> <p>20.40.250 Minimum lot size and land subdivision, section .251(3) and (4)</p>	<p>For development on legal lots of record there does not appear to be guidance on the best long-term placement of non-agricultural structures or limitations on areas of disturbance. Adding siting criteria for individual structures and uses could minimize impacts to prime soils.</p> <p>Best placement of reconfigured lots to minimize disruption of agricultural activities, to minimize future conflicts of new residents and agricultural operator, and to recognize existing adjacent uses to the reconfigured lots.</p> <p>Stronger mechanism to ensure continued agricultural use.</p>
Procedural Improvements		
<p>4. Parcel reconfiguration as a boundary line adjustment process.</p>	<p>WCC Title 21 Land Division Regulations, Chapter 21.03.</p> <p>Consistency requires changes to 20.83.110 and 21.01.100(b)</p>	<p>For lot reconfigurations that do not involve the platting of an additional lot, allow for a more streamlined exempt procedure, with the addition of water and septic review.</p> <p>Suggestion: Consider waiving a portion of the fee if voluntarily consolidating lands not in common ownership.</p>

Tool Description	County Code Section Targeted for Change	Need that is Met; Concerns & Context
Proposed Phase II Options (after period of evaluation)		
Farmstead		
5. Farmstead Parcel – Add tool to R5A/10A properties in APO – limit to Rural Study Areas (RSA)s.	APO, 20.38.030 Density and 20.38.050(5) and (6) Applicability; and Rural, 20.36.253 Maximum density and minimum lot size.	<p>Reduces time and expense of cluster subdivision that is otherwise required to attain lot size flexibility. Recognizes farm land owner in areas of interest such as RSAs.</p> <p>Suggestion: APO already has flexibility in clusters. Consider allowing farmstead only where there is an existing single family home.</p> <p>Ag Advisory Committee looking into proposing ‘heightened protection’ for Rural Study Areas. If this is done, adding the tool to Rural may be unnecessary.</p>
Procedural Improvements		
6. Allow a combined legal lot and buildable lot determination.	Create own permit procedure in WCC Title 21 General Provisions - 21.01.180 Lot Certification.	<p>More certainty for landowner and more comprehensive approval process to ensure a legal lot of record is buildable. May facilitate financing for farmland owner.</p> <p>Complex process that requires consideration of renewal period, zoning, density, lot consolidation, lot of record, and cursory critical area review.</p>
Additional Future Options		
Density Tools		
7. Transfer of Development Rights – Limited amendments to allow TDR <i>within</i> resource and rural lands, generally as a private transaction, not involving a net increase in density and subject to a conservation easement.	Chapter 20.89, Density Transfer Procedure, especially 20.89.040 Sending areas and 20.89.050 Receiving areas.	<p>Recognizes density value on sending site to support farmer with income or financing; long-term agricultural protection with a conservation easement. Better placement of transferred lot to a more suitable area.</p> <p>Suggestions: Develop priority areas for receiving area (UGA, LAMIRD, APO, AG (40)), and limit net density of receiving area neighborhood outside of UGAs.</p>